

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT TREVINO,)	Case No.: 1:99-cv-06016-LJO-BAM (PC)
)	
Plaintiff,)	ORDER DENYING MOTION TO AMEND OR
)	REOPEN COMPLAINT
v.)	
)	
JAMES GOMEZ, et al.,)	(ECF No. 57)
)	
Defendants.)	ORDER DIRECTING CLERK OF COURT TO
)	UPDATE ADDRESS OF RECORD
)	
)	

Plaintiff Robert Trevino ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Court adopted findings and recommendations to grant the Defendants' motion for summary judgment for failure to exhaust administrative remedies, and the Clerk of Court entered judgment and closed the case. Over thirteen years later, Plaintiff now seeks to amend or reopen the complaint, alleging continued retaliation on various dates, the last such incident having occurred on July 15, 2011. (ECF No. 57.)

Federal Rule of Civil Procedure 60(b) provides relief from a final judgment or order under certain circumstances. A party must bring its Rule 60(b) motion within a reasonable time and for certain reasons, no later than one year after entry of judgment. Thus, even if Plaintiff alleged a permissible reason for reopening the judgment, this motion would be precluded as untimely.

1 The motion does not seek to reopen the judgment for reasons relating to the former action,
2 however. Instead, Plaintiff alleges multiple instances of retaliation that occurred thereafter. The
3 appropriate procedure for pursuing claims that arose following the prior action is by the filing of a new
4 complaint alleging the new claims. (The Court notes that since Plaintiff is currently detained at Salinas
5 Valley Prison, proper venue for any new complaint is the U.S. District Court for the Northern District
6 of California.)

7 Accordingly, IT IS HEREBY ORDERED as follows:

- 8 1. Plaintiff's motion to amend or reopen this case is DENIED; and
- 9 2. The Clerk of Court is directed to update Plaintiff address of record as follows and serve
10 this order on him at: Robert Trevino, J-64367, P.O. Box 1050, Salinas Valley Prison, Soledad, CA
11 93960.

12 IT IS SO ORDERED.

13 Dated: October 23, 2015

/s/ Lawrence J. O'Neill
14 UNITED STATES DISTRICT JUDGE